87R9461 ANG-D

By:  Thompson of Brazoria H.B. No. 4435

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to remediate an overflow of water caused by a diversion or impoundment of the natural flow of surface water.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 11.086, Water Code, is amended by adding Subsections (e) and (f) to read as follows:

(e)  In a county with a population of more than 312,000 and less than 330,000, the commissioners court by order may require the county to:

(1)  remediate an overflow of water caused by a diversion or impoundment of the natural flow of surface water as necessary to mitigate the effects of a natural disaster; or

(2)  remediate an overflow of water caused by a diversion or impoundment of the natural flow of surface water in violation of Subsection (a) if:

(A)  the commissioners court sends notice to the person who is in violation of Subsection (a):

(i)  informing the person of the violation; and

(ii)  requiring the person to remediate the violation not later than the 30th day after the date of receipt of the notice; and

(B)  after receiving notice under Paragraph (A), the person does not remedy the violation in the specified time.

(f)  A county is not liable for damages caused by an action taken pursuant to an order issued under Subsection (e).

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2021.